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7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 ZUNUM AERO, INC.,

11 Plaintiff,

12 v.

13 THE BOEING COMPANY, et al.,

14 Defendants.

CASE NO. C21-0896JLR

SHOW CAUSE ORDER

15 On June 27, 2022, Plaintiff Zunum Aero, Inc. (“Zunum”) filed its second amended  
16 complaint. (*See generally* SAC (Dkt. # 60).) To date, however, Defendants The Boeing  
17 Company and Boeing HorizonX Ventures, LLC (collectively, “Boeing”) have not  
18 answered the second amended complaint. (*See generally* Dkt.)

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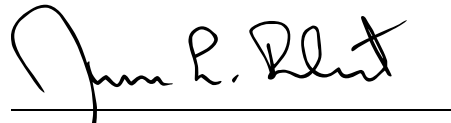
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1 Because Boeing's deadline to respond to the second amended complaint has long  
 2 since elapsed,<sup>1</sup> and because Zunum has not yet moved for entry of default against  
 3 Boeing, the court ORDERS Zunum to show cause why this case should not be dismissed  
 4 for failure to prosecute. Zunum must respond to this show cause order by January 3,  
 5 2023, explaining its failure to timely move for entry of default. Alternatively, Zunum  
 6 may, by January 3, 2023, file a motion for entry of default against Boeing pursuant to  
 7 Federal Rule of Civil Procedure 55(a) and Local Civil Rule 55(a). *See* Fed. R. Civ. P.  
 8 55(a); Local Rules W.D. Wash. LCR 55(a). The court warns Zunum that failure to  
 9 timely respond to this order to show cause may result in the dismissal of this action with  
 10 prejudice. *See Pagtalunan v. Galaza*, 291 F.3d 639, 642-43 (9th Cir. 2002) (discussing  
 11 factors that the court considers in determining whether to dismiss for failure to prosecute  
 12 or comply with a court order).

13 Dated this 16th day of December, 2022.

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 15   
 16 JAMES L. ROBART  
 United States District Judge

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 18 <sup>1</sup> Boeing moved to dismiss Zunum's second amended complaint on July 11, 2022 (*see*  
 19 MTD (Dkt. # 62)), and the court granted the motion in part on August 12, 2022 (*see* 8/12/22  
 20 Order (Dkt. # 67)). Accordingly, Boeing had until August 26, 2022 to answer the second  
 21 amended complaint. *See, e.g.*, Fed. R. Civ. P. 15(a)(3) (providing that "any required response to  
 22 an amended pleading must be made within the time remaining to respond to the original pleading  
 or within 14 days after service of the amended pleading, whichever is later"); *Tenser v. Ryan*,  
 No. CV1905496VBFRAO, 2020 WL 4760192, at \*4 (C.D. Cal. May 26, 2020), *report and*  
*recommendation adopted*, No. CV1905496VBFRAO, 2020 WL 5946078 (C.D. Cal. Oct. 7,  
 2020), *aff'd sub nom. Tenser v. Silverman*, No. 20-56176, 2021 WL 4958986 (9th Cir. Oct. 26,  
 2021) ("A motion under Federal Rule of Civil Procedure 12 . . . tolls the time for defendants to"  
 "serve an answer to the FAC." (citing Fed. R. Civ. P. 12(a)(4))).